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February 5, 2019

VIA ECF

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Raniere, et al.*, No. 18-cr-204 (NGG) (VMS)

Dear Judge Garaufis:

We write on behalf of Defendants Clare Bronfman, Kathy Russell, and Nancy Salzman (the “Non-DOS Defendants”) concerning their pending motion to sever their trial from the trial of the other Defendants. The Non-DOS Defendants anticipated presenting oral argument on their severance motion at the status conference scheduled for tomorrow. Late last night, however, the government submitted a 40-page motion to admit evidence of nine separate categories of uncharged conduct as proof of, among other things, the charged RICO enterprise and pattern of racketeering activity. In light of the information in the government’s motion, the Non-DOS Defendants believe it will be more efficient for the Court to postpone oral argument on their severance motion so that it can be considered in conjunction with the issues raised in the government’s motion.

Specifically, the government’s motion describes the uncharged acts in vague terms, and Defendants will require further particulars from the government in order to submit a meaningful response to that motion. Even apart from that concern, the uncharged-act evidence offered by the government bears on the Rule 403 balancing the Court will be required to engage in with respect to all of the proof at trial, including the DOS- and Raniere-specific evidence that forms the primary basis of the Non-DOS Defendants’ motion to sever. The admissibility of that evidence against the Non-DOS Defendants, in other words, is inextricably intertwined with the question of whether the Court should grant a separate trial to the Non-DOS Defendants.

Accordingly, the Non-DOS Defendants respectfully request that the Court adjourn the oral argument on their severance motion until the government's related motion is fully briefed, so that the intertwined evidentiary issues can be considered together. In addition, for the reasons described above, Lauren Salzman requests that oral argument on her separate motion to sever be adjourned to the same date. The government consents to these requests. At tomorrow's conference, counsel for Ms. Bronfman intends to present argument on her motion to suppress, and counsel for Ms. Russell intends to present argument on her motion to dismiss pursuant to the Court's supervisory power over the grand jury or to compel discovery.

Sincerely,

/s/ Alexandra A.E. Shapiro

Alexandra A.E. Shapiro